

AMENDED IN SENATE MARCH 13, 2008

AMENDED IN ASSEMBLY MAY 15, 2007

AMENDED IN ASSEMBLY MAY 3, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 830

Introduced by Assembly Member Ma
(~~Coauthor: Assembly Member Plescia~~)

February 22, 2007

~~An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.~~ *An act to add Section 5384.2 to the Public Utilities Code, and to amend Section 545 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 830, as amended, Ma. ~~Outdoor advertising.~~ *Vehicles: charter-party carrier.*

(1) The Passenger Charter-party Carriers' Act requires a charter-party carrier, engaged in the transportation of persons by motor vehicle for compensation, to obtain from the Public Utilities Commission a certificate of convenience and necessity before operation or, in the case of some carriers, to obtain a permit to conduct operations issued by the commission. The act does not apply to the transportation of school pupils conducted by or under contract with the governing board of a school district. A person who violates this act is guilty of a misdemeanor. Existing law specifically excludes specified motor vehicles from the definition of a schoolbus.

This bill would, in addition, exclude from the definition of schoolbus a motor vehicle designed to carry not more than 25 persons including

the driver, while being used for the transportation of pupils to or from school-related activities if the vehicle is operated by a charter-party carrier not under a contractual agreement with a school or school district, and the transportation does not duplicate transportation services for pupils provided by the school or school district. An operator of a charter-party carrier would be required to conduct a background check on drivers of these vehicles and to make the background check available to the Department of the California Highway Patrol upon request. Because a violation of the requirements for a charter-party carrier is a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The Outdoor Advertising Act regulates placement of advertising signs adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act prohibits advertising displays from being placed or maintained on property adjacent to a section of a freeway that has been landscaped, with certain exceptions. A violation of the act is a misdemeanor.~~

~~This bill would authorize the conversion of a permitted advertising display for use as a message center, subject to specified conditions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5384.2 is added to the Public Utilities
- 2 Code, to read:
- 3 5384.2. (a) An operator of a charter-party carrier operating
- 4 a motor vehicle as specified in subdivision (k) of Section 545 of
- 5 the Vehicle Code shall conduct a background check on the driver
- 6 of that vehicle.
- 7 (b) The operator of a charter-party carrier shall make the
- 8 background check performed pursuant to this section available to
- 9 the Department of the California Highway Patrol upon request.

1 (c) *A school or school district is not liable for transportation*
2 *services provided by an operator of a charter-party carrier for*
3 *which the school or school district has not contracted, arranged,*
4 *or otherwise provided.*

5 SEC. 2. *Section 545 of the Vehicle Code is amended to read:*

6 545. A “schoolbus” is a motor vehicle designed, used, or
7 maintained for the transportation of any school pupil at or below
8 the 12th-grade level to or from a public or private school or to or
9 from public or private school activities, except the following:

10 (a) A motor vehicle of any type carrying only members of the
11 household of the owner ~~thereof~~ *of the vehicle*.

12 (b) A motortruck transporting pupils who are seated only in the
13 passenger compartment, or a passenger vehicle designed for and
14 carrying not more than 10 persons, including the driver, unless the
15 vehicle or truck is transporting two or more disabled pupils
16 confined to wheelchairs.

17 (c) A motor vehicle operated by a common carrier, or by and
18 under the exclusive jurisdiction of a publicly owned or operated
19 transit system, only during the time it is on a scheduled run and is
20 available to the general public, or on a run scheduled in response
21 to a request from a disabled pupil confined to a wheelchair, or
22 from a parent of the disabled pupil, for transportation to or from
23 nonschool activities; ~~provided, that,~~ *and* the motor vehicle is
24 designed for and actually carries not more than 16 persons
25 including the driver, is available to eligible persons of the general
26 public, and the school does not provide the requested transportation
27 service.

28 (d) A school pupil activity bus.

29 (e) A motor vehicle operated by a carrier licensed by the
30 Interstate Commerce Commission which is transporting pupils on
31 a school activity entering or returning to the state from another
32 state or country.

33 (f) A youth bus.

34 (g) Notwithstanding any other provisions of this section, the
35 governing board of a district maintaining a community college
36 may, by resolution, designate any motor vehicle operated by or
37 for the district, a schoolbus within the meaning of this section, if
38 it is primarily used for the transportation of community college
39 students to or from a public community college or to or from public
40 community college activities. The designation shall not be effective

1 until written notification thereof has been filed with the Department
2 of the California Highway Patrol.

3 (h) A state-owned motor vehicle being operated by a state
4 employee upon the driveways, paths, parking facilities, or grounds
5 specified in Section 21113 that are under the control of a state
6 hospital under the jurisdiction of the State Department of
7 Developmental Services where the posted speed limit is not more
8 than 20 miles per hour. The motor vehicle may also be operated
9 for a distance of not more than one-quarter mile upon a public
10 street or highway that runs through the grounds of a state hospital
11 under the jurisdiction of the State Department of Developmental
12 Services, if the posted speed limit on the public street or highway
13 is not more than 25 miles per hour and if all traffic is regulated by
14 posted stop signs or official traffic control signals at the points of
15 entry and exit by the motor vehicle.

16 (i) A general public paratransit vehicle, ~~provided that if~~ the
17 general public paratransit vehicle does not duplicate existing
18 schoolbus service, does not transport a public school pupil at or
19 below the 12th grade level to a destination outside of that pupil's
20 school district, and is not used to transport public school pupils in
21 areas where schoolbus services were available during the 1986–87
22 school year. In areas where expanded school services require
23 expanded transportation of public school pupils, as determined by
24 the governing board of a school district, general public paratransit
25 vehicles shall not be used to transport those pupils for a period of
26 three years from the date that a need for expansion is identified.
27 For purposes of this section, a pupil is defined as a student at or
28 below the 12th grade level who is being transported to a mandated
29 school activity.

30 (j) A schoolbus with the flashing red light signal system, the
31 amber warning system, and the schoolbus signs covered, while
32 being used for transportation of persons other than pupils, to or
33 from school or school related activities.

34 (k) *A motor vehicle designed to carry not more than 25 persons*
35 *including the driver, while being used for the transportation of*
36 *pupils to or from school-related activities if the vehicle is operated*
37 *by a passenger charter-party carrier certified and licensed by the*
38 *Public Utilities Commission pursuant to Chapter 8 (commencing*
39 *with Section 5351) of Division 2 of the Public Utilities Code that*
40 *is not under a contractual agreement with a school or school*

1 *district, and the transportation does not duplicate schoolbus service*
2 *or any other transportation services for pupils contracted,*
3 *arranged, or otherwise provided by the school or school district.*

4 *SEC. 3. Nothing in this act shall be construed to limit a school's*
5 *or school district's authority to prohibit all for-hire transportation*
6 *services from the transportation of school pupils to or from*
7 *school-related activities.*

8 *SEC. 4. No reimbursement is required by this act pursuant to*
9 *Section 6 of Article XIII B of the California Constitution because*
10 *the only costs that may be incurred by a local agency or school*
11 *district will be incurred because this act creates a new crime or*
12 *infraction, eliminates a crime or infraction, or changes the penalty*
13 *for a crime or infraction, within the meaning of Section 17556 of*
14 *the Government Code, or changes the definition of a crime within*
15 *the meaning of Section 6 of Article XIII B of the California*
16 *Constitution.*

17 ~~SECTION 1. It is the intent of the Legislature to recognize the~~
18 ~~legitimacy of changing technology performed incident to customary~~
19 ~~maintenance and changing advertising on outdoor advertising~~
20 ~~displays and to enhance the business climate and emergency~~
21 ~~messaging within the jurisdiction of cities and counties.~~

22 ~~SEC. 2. Section 5442.14 is added to the Business and~~
23 ~~Professions Code, to read:~~

24 ~~5442.14. (a) Notwithstanding any other provision of this~~
25 ~~chapter, Section 5440 shall not prohibit the conversion of a~~
26 ~~permitted advertising display for use as a message center, if all of~~
27 ~~the following conditions are met:~~

28 ~~(1) The size, height, location, and configuration of the display~~
29 ~~remain unchanged.~~

30 ~~(2) The conversion of the display complies with the provisions~~
31 ~~of Article 6 (commencing with Section 5350), and the message~~
32 ~~center complies with the requirements of Sections 5400 to 5405,~~
33 ~~inclusive, and Section 5408.~~

34 ~~(3) Maintenance of the display does not require the immediate~~
35 ~~trimmings, pruning, topping, or removal of existing tress to provide~~
36 ~~visibility for the display, unless done as part of the normal~~
37 ~~landscape maintenance activities that would have been undertaken~~
38 ~~without regard to the placement or maintenances of the display.~~
39 ~~However, any tree or foliage removed at any time to provide~~

1 ~~visibility to a display shall be replaced with equivalent trees or~~
2 ~~foliage at the expense of the owner of the display.~~

3 ~~(4) The display shall not cause a reduction in federal aid~~
4 ~~highway funds, as provided in Section 131 of Title 23 of the United~~
5 ~~States Code.~~

6 ~~(5) The display shall have the capacity to communicate~~
7 ~~emergency messaging and be part of an agreement providing a~~
8 ~~system for communicating public emergency messages, including~~
9 ~~Amber Alert and other emergencies as defined by the Governor's~~
10 ~~Office of Emergency Services.~~

11 ~~(6) The message center is arranged and illuminated so that it~~
12 ~~does not impair the vision of motorists on an adjacent highway.~~
13 ~~The illumination of the message center shall be deemed to impair~~
14 ~~the vision of a motorist for purposes of this paragraph if its~~
15 ~~brilliance exceeds the values set forth in Section 21466.5 of the~~
16 ~~Vehicle Code.~~

17 ~~(7) The message center does not advertise products or services~~
18 ~~that are directed to an adult population, including, but not limited~~
19 ~~to, alcohol, tobacco, gambling, or sexually explicit material.~~

20 ~~(b) If a converted display is acquired by the Department of~~
21 ~~Transportation for a public purpose, the compensation required to~~
22 ~~be paid under Section 5412 as defined in the Eminent Domain~~
23 ~~Law (Title 7 (commencing with Section 1230.010) of Part 3 of the~~
24 ~~Code of Civil Procedure) shall be required, provided compensation~~
25 ~~shall be determined without regard to the display's use as a~~
26 ~~message center.~~

27 ~~(c) "Message center," for purposes of this section, means a~~
28 ~~digital advertising display where the message is changed not more~~
29 ~~than once every six seconds.~~